

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DEANNA JOHNSON

Plaintiff,
vs.

Case No. 2:19-cv-10167
Hon. Gershwin A. Drain
Mag. Judge Elizabeth A. Stafford

FORD MOTOR COMPANY,
a Delaware corporation;

Defendant.

Carol A. Laughbaum (P41711)
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**PLAINTIFF'S EMERGENCY MOTION FOR A PROTECTIVE
ORDER THAT JULY 3, 2023 DEPOSITION OF N1 DISCOVERY
NOT PROCEED**

Plaintiff by her attorneys files the above motion and in supports states:

1. This sexual and racial harassment case is scheduled for jury trial beginning August 22, 2023.

2. At a hearing on June 13, 2023, Magistrate Judge Stafford granted Defendant Ford's discovery motion, in part, ruling among other things, that by

July 14, 2023, Defendant Ford could depose N1 Discovery (Plaintiff's forensic expert) regarding N1 Discovery's imaging and extraction of data from Plaintiff's cell phones (ECF No. 111 at PageID 2286).

3. On June 14, 2023, Ford served a "Notice of Taking Deposition of N1 Discovery, LLC," with a Subpoena, scheduling the deposition for July 11, 2023 (**Ex A**, Notice and Subpoena to N1 Discovery for July 11, 2023 deposition).

4. While Ford made no effort to clear that date with Plaintiff's Counsel, Plaintiff's Counsel was and is available on July 11, 2023.

5. On June 21, 2023, Ford indicated (perhaps by mistake) that it was "moving the N1 deposition up to July 1..." (a Saturday) (**Ex B**, July 21, 2023 email from Ford).

6. Later, on June 21, 2023, Ford gave notice that it was instead unilaterally moving the N1 deposition up to July 3, 2023 (**Ex C**, emails – pp 9-10; **Ex D**, Re-Notice of Deposition of N1).

7. Plaintiff's Counsel promptly advised Ford that she was not available on July 3, 2023 (**Ex C**, p 9).

8. Ford advised it would re-notice the deposition for June 30, 2023, *id.*

9. That same day (June 21, 2023), Plaintiff's Counsel advised that she was not available prior to July 11, 2023 and was on vacation/travelling from July 1-July 10, 2023 (**Ex C**, pp 7, 9).

10. To date, Plaintiff's Counsel has requested of Ford, no less than five (5) times, that Ford move the N1 D deposition back to the originally scheduled date of July 11, 2023, per Ford's original notice and subpoena (see **Ex C**, starred items).

11. Ford has refused. *See Ex C*, p 8 ("The current notice for July 3 will stand we've properly noticed the deposition and it's going forward as noticed"); p 5 ("it remains scheduled for July 3").

12. Plaintiff certifies that she has in good faith conferred with opposing counsel in an effort to resolve this dispute without Court action.

WHEREFORE, Plaintiff respectfully asks that this Court grant her a protective order pursuant to Fed R Civ P 26 (c) providing that the deposition of N1 Discovery will not proceed on July 3, 2023 given Plaintiff's Counsel's unavailability, and granting any other relief deemed appropriate by the Court.

Respectfully submitted,

STERLING ATTORNEYS AT LAW, P.C.

By: /s/Carol A. Laughbaum

Carol A. Laughbaum (P41711)

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Dated: June 28, 2023

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**BRIEF IN SUPPORT OF PLAINTIFF'S EMERGENCY MOTION
FOR A PROTECTIVE ORDER THAT JULY 3, 2023 DEPOSITION
OF N1 DISCOVERY NOT PROCEED**

Plaintiff relies on her motion, Fed R Civ P 26 (b), and the records and files
in this matter in support of her emergency motion.

PROOF OF SERVICE

I certify that on June 28, 2023, I filed the foregoing paper with the Clerk of the Court using the ECF system, which will electronically send notification to all counsel of record.

/s/Carol A. Laughbaum
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Respectfully submitted,

STERLING ATTORNEYS AT LAW, P.C.

By: /s/Carol A. Laughbaum

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